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APPLICATION NO.	ICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/042,355	10/042,355 01/11/2002		Laurel A. Novacek	968-158	6801	
23117	7590	02/25/2004		EXAMINER		
NIXON &	NIXON & VANDERHYE, PC				KENNEDY, SHARON E	
1100 N GLE	BE ROA	D				
8TH FLOOR	8TH FLOOR				PAPER NUMBER	
ARLINGTO	ARLINGTON, VA 22201-4714					

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No. Applicant(s) **NOVACEK ET AL.** 10/042,355 **Art Unit** Examiner Angela D. Sykes 3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued

Examination (RCE) in compliance with 37 CFR 1.114.	
PERIOD FOR REPLY [check either a) or b)]	
a) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).	ər. In
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension and the corresponding amount of the fee. The appropriate extension and the corresponding amount of the fee. The appropriate extension and the corresponding amount of the fee. The appropriate extensions are under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	sion ; or
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.	
2. The proposed amendment(s) will not be entered because:	
(a) 🗵 they raise new issues that would require further consideration and/or search (see NOTE below);	
(b) ☐ they raise the issue of new matter (see Note below);	
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or	ne
(d) They present additional claims without canceling a corresponding number of finally rejected claims.	
NOTE: See Continuation Sheet.	
3. Applicant's reply has overcome the following rejection(s):	
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).	nt
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:	!
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.	
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.	
The status of the claim(s) is (or will be) as follows:	
Claim(s) allowed: <u>16</u> .	
Claim(s) objected to:	
Claim(s) rejected: <u>13-15 and 17-20</u> .	
Claim(s) withdrawn from consideration:	
8. The drawing correction filed on is a) approved or b) disapproved by the Examiner.	
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	
10. \ Other: Other:	
ANGELA D. SYKES SUPERVISORY PATENT EXAMINED	

TECHNOLOGY CENTER 3700



Continuation of 2. NOTE: The proposed amendment to claim 13 regarding the exterior wall surfaces of the needle carrier being non-deformable presents a new issue requiring further consideration and/or search.